IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7661 of 2005

Between:

K. Durga Venkateswara Rao, S/o. Veeranna,
R/o. 15-8-4, Pasupuletivari St., Bhimavaram, W.G.district.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, ELURU, W.G.DISTRICT.
2 The Depot Manager, APSRTC, Narasapuram Depot, Narasapur,

W.G.district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders or direction or writ more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in placing the petitioner under suspension by orders issued in No. Steno.95(16) /2005-NSP, dt. 14.3.2005 as illegal arbitrary and set aside the same and consequentially direct the respondents to reinstate the petitioner into service with all consequential benefits.

Counsel for the Petitioner:MR.M.L.ALI

Counsel for the Respondent Nos.1 and 2: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the admission stage made the following O R D E R:

This writ petition is filed questioning the action of the second respondent in issuing the suspension order dated 14.03.2005.

Learned counsel for the petitioner contended that the allegations do not constitute a serious misconduct so as to place the petitioner under suspension.

On the other hand, learned standing counsel appearing for the respondents opposed the same on the ground that it is only a suspension order pending enquiry.

A perusal of the suspension order would go to show that while the petitioner was conducting bus on route Naarsapuram-Razole-Rajahmundry on 26.02.2005, a check has taken place and it was found that he had violated the rule 'Issue and Start' and failed to collect the fare worth Rs.36/- at the rate of Rs.4.00 each from a batch of nine passengers and issue tickets to them and closed the ticket tray numbers of all denominations in the S.R. sheet upto stage No.03 without issuing tickets. The competency or jurisdiction of the Depot Manager, Narsapuram, to place an employee under suspension, is not under challenge. In view of the serious allegations levelled against the petitioner, he was rightly placed under suspension. Therefore, the impugned order does not suffer from any legal infirmities so as to call for interference of this Court.

Hence, the writ petition is dismissed. However, the respondent-Corporation is directed to complete the enquiry within a period of four weeks from the date of

receipt of a copy of this order. No costs.

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(K.C.BHANU,J)

Dt:7th April, 2005

Note:CC in three days

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usd

To

1 The Regional Manager, APSRTC, ELURU, W.G.DISTRICT.
2 The Depot Manager, APSRTC, Narasapuram Depot, Narasapur,

W.G.district.

3 Two CD copies.